

# EXHIBIT O

**DECLARATION OF DRU BUNTIN, DIRECTOR**  
**MISSOURI DEPARTMENT OF NATURAL RESOURCES**

I, Dru Buntin, being first duly sworn upon my oath, do hereby state as follows:

1. I am the Director of the Missouri Department of Natural Resources (“DNR”). I am also a resident of Missouri and over the age of majority. I have personal knowledge of the facts in this declaration, and those facts are true and correct to the best of my knowledge.

2. DNR has entered into three separate agreements with the U.S. General Service Agency (“GSA”) to provide oversight of environmental investigation and remediation of certain federal facilities pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act.

3. In emails dated October 8, 2021 and October 10, 2021, GSA proposed modification of those agreements to incorporate the requirements of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors (the “Order”). The emails stated that the contract modifications would be mandatory before GSA would renew, extend the period of performance of the contracts, or exercise an option. These agreements are currently set to expire on December 31, 2021. The emails also stated that GSA may take interim actions if signed modifications are not returned to GSA by November 14, 2021, such as: “Temporarily hiding contractor information GSA websites and/or e-tools” or “Flagging contractors that have not accepted the modification”.

4. DNR has several other agreements with federal agencies that are

scheduled to expire in 2022.

5. DNR disputes that any of these agreements meet the definition of a federal contract or contract-like instrument as those terms are defined in the Order, and that we are consequently subject to any federal contractor vaccine mandate.

6. In the alternative, and without in any way admitting or stipulating to being a federal contractor for purposes of a federal vaccine mandate, if DNR would be determined to be subject to any federal contracting vaccine mandate, we would be at substantial risk of the harms detailed in the following paragraphs.

7. At least 10 employees of Missouri Department of Natural Resources received all or a portion of their salaries for Fiscal Year 2021 from funds provided pursuant to the agreements with GSA.

8. The broad scope of the Order and its implementing guidance purports to require nearly all of DNR's employees be fully vaccinated by the first full day of the period of performance on a renewed or extended contract, even those whose salaries are not directly funded from federal agreement, as well as any employee working for an "affiliate company" of DNR, such as private concessionaires in certain State Parks.

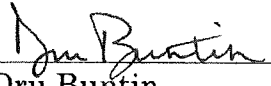
9. Implementing and enforcing the continually changing requirements of the Order in the time frame required would place an undue administrative burden upon DNR, reducing the agency's ability to fulfill its statutory duties, and affect its ability to provide necessary services to the public.

10. Implementation and enforcement of the Order could lead to increased employee turnover, resulting in undue financial and administrative burdens on DNR from decreased productivity and morale; increased costs for recruiting, onboarding, and training new employees; and the potential payment of unemployment claims.

11. The recruitment of qualified employees is a significant consideration by the agency. Implementation and Enforcement of the Order will limit the number of applicants and has the potential to make agency recruitment more difficult. Increased employee resignations and recruitment would interfere with the agency's ability to administer state services pursuant to its statutory duties.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4<sup>th</sup> day of November, 2021.

  
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Dru Buntin  
Director  
Missouri Department of Department of Natural Resources